

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JAN 27 2014

JULIA C. DUDLEY, CLERK  
BY:  DEPUTY CLERK

JEFFREY FRANKLIN WASHINGTON,  
Petitioner,

Civil Action No. 7:13 -cv-00526

v.

MEMORANDUM OPINION

HAROLD CLARKE, et al.,  
Respondents.

By: Hon. Michael F. Urbanski  
United States District Judge

Jeffrey Franklin Washington, a Virginia inmate proceeding pro se, filed a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, challenging the criminal judgment entered by the Circuit Court of the City of Winchester for multiple felonies. Court records indicate that Petitioner previously filed a § 2254 petition about the same judgment in Washington v. Angelone, Civil Action No. 7:00-cv-00630 (W.D. Va. Aug. 9, 2000). Thus, the current petition is a subsequent one, falling under the prohibition in 28 U.S.C. § 2244(b) against a second or successive petition. Pursuant to this section, a federal district court may consider a second or successive § 2254 petition only upon certification from a United States Court of Appeals that claims in the subsequent petition meet certain criteria. Because Petitioner has not submitted any evidence that he has obtained such certification by the Fourth Circuit Court of Appeals, the court dismisses the petition without prejudice as successive and denies as moot Petitioner's motions for a transfer and for state court records. Based upon the finding that Petitioner has not made a substantial showing of a denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is denied.

ENTER: This 27<sup>th</sup> day of January, 2014.

  
United States District Judge